

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL A. ODUM,)	CASE NO. 4:08CV174
)	
Plaintiff,)	JUDGE PETER C. ECONOMUS
)	
v.)	
)	
MICHAEL J. ASTRUE,)	MEMORANDUM OPINION
Commissioner of social security,)	AND ORDER
)	
Defendant.)	
)	

This matter is before the Court upon Plaintiff Michael A. Odum's ("Odum") Complaint. (Dkt. # 1.) Odum originally applied for Disability Insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 416(i), 423, and Supplemental Security Income benefits under Title XVI of the Social Security Act, 42 U.S.C. § 1381 *et seq.* (Dkt. # 16.) Defendant Michael J. Astrue, Commissioner of Social Security ("Commissioner"), denied Odum's application for benefits. (Dkt. # 16.) Odum now seeks judicial review of the Commissioner's decision.

On January 29, 2008, this case was automatically referred to Magistrate Judge Kenneth S. McHargh for preparation of a report and recommendation, pursuant to 28 U.S.C. § 636 and LR 72.1. (Dkt. # 6.) On August 26, 2008, the Magistrate Judge issued a Report and Recommendation, recommending that the Court affirm the Commissioner's decision to deny Odum's application for benefits. (Dkt. # 16.)

Odum has timely filed objections to the Magistrate's Report and Recommendation. (Dkt. # 17.) Odum makes six objections:

- I. The Magistrate Judge's recommendation that the final Decision of the Commissioner be AFFIRMED is not supported under law. (Facts supported by substantial evidence.)
- II. The Magistrate Judge should have recommended remanding the case for further clarification and/or development since the C.E. did not have the results of the June 2006 MRI report.
- III. The Magistrate Judge erred by not affording the treating physician's opinion greater weight than that of the C.E.
- IV. The Magistrate Judge's conclusion that the ALJ's hypothetical question accurately portrayed all of the plaintiff's impairments is an error of law.
- V. The Magistrate Judge erred by looking at the wrong Social Security Ruling and failing to address Ruling 85-15.
- VI. The Magistrate Judge erred by stating plaintiff applied Ruling 96-9p to the entire occupational base.

(Dkt. # 17.)

Odum's objections merely reiterate prior arguments, which the Magistrate Judge comprehensively addressed and found to be without merit. The Court has reviewed the Magistrate Judge's analysis *de novo* and finds that it is well-founded. To the extent that Odum makes any new arguments, he provides no explanation or support for his assertions. As the Magistrate Judge repeatedly stated in his Report and Recommendation, “[I]ssues adverted to in a perfunctory manner, unaccompanied by some effort at developed argumentation, are deemed waived.” McPherson v. Kelsey, 125

F.3d 989, 995–96 (6th Cir. 1997). Moreover, the Court has reviewed these claims and finds them to be meritless. Therefore, Magistrate Judge McHargh's Report and Recommendation (Dkt. # 16) is hereby **ADOPTED**, the Commissioner's decision is **AFFIRMED**, and Odum's Complaint (Dkt # 1) is **DISMISSED**.

IT IS SO ORDERED.

/s/ Peter C. Economus – September 25, 2008
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE